



UNITED STATES DEPARTMENT OF COMMERCE
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Washington, DC 2023

March 5, 2002

Hardie R. Barr
NASA Johnson Space Center
HA/Office of Patent Counsel
2101 NASA Road One
Houston, TX 77058

In re application of:

Steven L. Koontz

DECISION ON PETITION

Serial No.: 09/166,452

Filed: October 5, 1998

For: PORPUS ARTICLE WITH SURFACE FUNCTIONALITY AND
METHOD FOR PREPARING

This is a decision on the petition received by fax on September 4, 2001, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice to File Missing Parts of Application mailed October 29, 1998. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned December 30, 1998. A notice of abandonment was mailed on October 10, 2001.

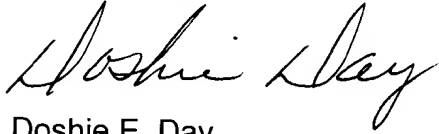
On September 4, 2001, the office received a communication from the attorney of record. Enclosed was an acknowledgment that the attorney responded to the Notice to File Missing Part on November 23, 1998.

The evidence submitted is sufficient to establish that the petitioners responded to the Notice to File Missing Parts of Application on November 23, 1998.

The petition is hereby GRANTED.

The application has been completed for release to Technology Center 1771.

Telephone inquiries concerning this matter may be directed to Doshie E. Day at (703) 308-3640.

A handwritten signature in cursive script, appearing to read "Doshie E. Day". The signature is written in dark ink and is positioned above the printed name and title.

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination.

TO: USPTO	FROM: JSC
Attn: Ms. Doshie Day	HA/Mary Dickerson
Telephone: 703-308-3640	Telephone: 281 483-1013
FAX 703-308-7749	FAX 281 244-8452
Sheet 1 of 3	9/4/01

Per our telephone conversation today, enclosed is a copy of the return postcard with a USPTO date stamp of 11/23/98 and a copy of the response to the Notice to File Missing Parts of Application.

Thank you,
Mary Dickerson

*Resent - Thank
if you sent
has been
arranged -*



National
Aeronautics and
Space
Administration

Patent Application Receipt

NASA CASE NO. : MSC-22419-6
FILING DATE : 10/05/98
APPLICATION SERIAL NO. : 09/166,457
APPLICANT : Steven L. Koontz
TITLE : See below

GAU: 1771

NOV 23 1998

RECEIPT OF THE FOLLOWING PAPERS IS EVIDENCED HEREON BY THE OFFICIAL STAMP OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

First named Inventor: Steven L. Koontz

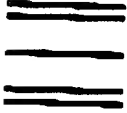
Title: Porous Article with Surface Functionality and Method for Preparing Same

Letter in response to the Requirement in the Notice to File Missing Parts of Application
dated 10/29/98, consisting of 2 pages (original plus 1 copy); NASA Form 1538
"Declaration, Power of Attorney and Petition Original Application (consisting of 2 pages);
and Part 2 of Form PTO-1533 Notice to File Missing Parts of Application (consisting of 1
page).

NASA FORM 432 SEP 96 PREVIOUS EDITIONS ARE OBSOLETE
Charge fee of \$130.00 to Deposit Account No. 14-0116.

National Aeronautics and
Space Administration
Washington, DC 20546-0001

OFFICIAL BUSINESS
Penalty for Private Use, \$300



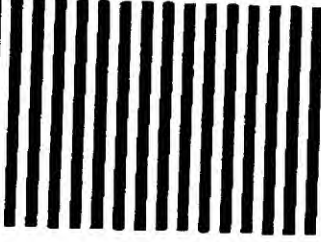
BUSINESS REPLY MAIL

FIRST CLASS MAIL PERMIT NO. 12028 WASHINGTON, DC

POSTAGE WILL BE PAID BY NASA

Office of Patent Counsel
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NASA Johnson Space Center
2101 NASA Road One
Houston, TX 77058-3696

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IF MAILED
IN THE
UNITED STATES





UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/166,457	10/05/98	KUNNTZ	S MSC-22419-6

HARDIE R. BARR
NASA JOHNSON SPACE CENTER
HQA/OFFICE OF PATENT COUNSEL
2101 NASA ROAD ONE
HOUSTON TX 77058

0242/1000

NOT ASSIGNED

1771

DATE MAILED:

10/29/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 130.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ _____ for _____ dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing or unexecuted.
☐ does not cover the newly submitted items.
☐ does not identify the application to which it applies.
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Steven L. Koontz) Group Art
First Named Inventor:	Steven L. Koontz) Unit: 1771
Serial No.:	09/166,457) Examiner:
Filed :	October 5, 1998) W. Beisner
For:	Porous Article with Surface Functionality and Method for Preparing Same)

Letter

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

In response to the requirement in the Notice to File Missing Parts of Application, dated October 29, 1998, for submission of a new oath or declaration, attached is a corrected NASA Form 1538, Declaration, Power of Attorney and Petition Original Application consisting of 2 pages.

The Commissioner is hereby authorized to charge any fees which may be required to effect the filing of this application or credit any overpayment to Deposit Account Number 14-0116.

Respectfully submitted,



Hardie R. Barr, Reg. No. 31,480

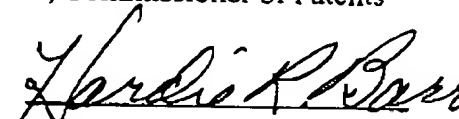
Attorney for Applicant

Houston, Texas 77058

Telephone: 281-483-1003 or 281-483-4871

Datafax: 281-244-8452

I hereby certify that the attached NASA Form 1538, Declaration, Power of Attorney and Petition Original Application, and an additional copy of this letter; are being deposited with the United States Postal Service on November 16, 1998, as First Class Mail in an envelope addresses to: Box Missing Parts, Assistant Commissioner for Patents, Commissioner of Patents and Trademarks, Washington, D.C. 20231.



Hardie R. Barr



Patent Application

Declaration, Power of Attorney and Petition Original Application

MSC-22419-6

(NASA Case No.)

As a below named inventor, I hereby declare that: my residence, post office address and citizenship, are stated below next to my name, I believe I am the original, first and sole inventor (*If only one name is listed below*) or an original, first and joint inventor (*If plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Porous Article with Surface Functionality and Method for Preparing Same**

the specification of which ☐ is attached hereto, ☒ was filed on (Date) 10/5/98 as Application Serial No. 09/166,457.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information which is known to me to be material to patentability as defined in 37 CFR §1.56.

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application: 07/857,901, 3/26/92, and 07/997,265, 2/23/93,
(Serial No.) (Filing Date) (Serial No.) (Filing Date)

the status of which are ☒ patented, ☐ pending, ☐ abandoned.

POWER OF ATTORNEY: I hereby appoint the following attorney(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

<u>Hardie R. Barr</u> (Name)	<u>31,480</u> (Reg. No.)	<u>Edward K. Fein</u> (Name)	<u>24,559</u> (Reg. No.)
<u>James M. Cate</u> (Name)	<u>25,181</u> (Reg. No.)	<u>Harry Lupuloff</u> (Name)	<u>31,117</u> (Reg. No.)
<u>Gary G. Borda</u> (Name)	<u>35,455</u> (Reg. No.)	<u>Alan J. Kennedy</u> (Name)	<u>28,625</u> (Reg. No.)

ADDRESS ALL CORRESPONDENCE TO:

Name Hardie R. Barr
Address: NASA Johnson Space Center
HA/Office of Patent Counsel
2101 NASA Road One
Houston, TX 77058

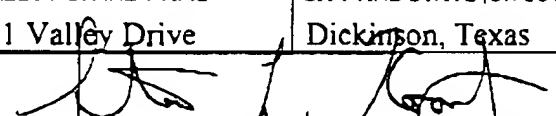
DIRECT TELEPHONE CALLS TO:

Hardie R. Barr
Telephone (*Set out complete number to be dialed from*
USPTO) 281-483-1003 OR 281-483-4871

Further, as a named inventor, I certify that the Government of the United States of America, as represented by the Administrator of the National Aeronautics and Space Administration, has ☒ an assignment in, or ☐ license to the invention set forth in this application and has the irrevocable right to prosecute this application and to receive the patent.

Wherefore, I pray that Letters Patent be granted to me for this invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification, claims, power of attorney and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001; and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR	LAST Koontz	FIRST Steven	MIDDLE OR INITIAL L.
RESIDENCE AND	CITY Dickinson	STATE OR FOREIGN COUNTRY Texas	COUNTRY OF CITIZENSHIP U. S. A.
POST OFFICE	STREET NO. AND NAME 501 Valley Drive	CITY AND STATE (OR COUNTRY) Dickinson, Texas	ZIP CODE 77539
SIGNATURE			DATE 11-06-98

FULL NAME OF INVENTOR	LAST	FIRST	MIDDLE OR INITIAL
RESIDENCE AND	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE	STREET NO. AND NAME	CITY AND STATE (OR COUNTRY)	ZIP CODE
SIGNATURE			DATE

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SIGNATURE			DATE